



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

400 P STREET, 4TH FLOOR  
P.O. BOX 806  
SACRAMENTO, CA 95812-0806  
(510) 540-3827



MEMORANDUM

TO: Statewide Cleanup Operations Branch Chiefs  
Regional Duty Officers  
Jim Tjosvold, Region 1  
Richard Hume, Region 1  
Eric Garcia, Region 1  
Tom Kovac, Region 1 (Clovis)  
Nina Antonio, Region 2  
Miguel Monroy, Region 3

FROM: Barbara Coler, Chief  
Statewide Cleanup Operations Division

DATE: September 26, 1995

SUBJECT: AMENDMENTS TO THE NONEMERGENCY RELEASE REPORTING  
REQUIREMENT - ASSEMBLY BILL 204

*Barbara Coler*

Background:

In 1993, Senate Bill (SB) 2057 created Health and Safety Code section 25359.4, which makes unauthorized releases of a hazardous substance illegal and requires that such releases be reported to the Department of Toxic Substances Control (DTSC). (All references are to the Health and Safety Code unless otherwise stated.) In 1994, section 25359.4 was amended by Assembly Bill (AB) 2061. This bill added clarification by requiring that nonemergency release reports to be made in writing to DTSC within 30 days of discovery. AB 2061 also made other clarifications regarding reporting exemptions and by providing definitions of what a "reportable quantity" means, pursuant to section 25359.4. On May 25, 1994, DTSC issued a Fact Sheet and Reporting Form to provide a process (and guidance) for reporting nonemergency releases. DTSC later issued an Addendum to the Fact Sheet on January 4, 1995, based on the provisions of AB 2061.



Statewide Cleanup Operations  
Branch Chiefs  
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On July 22, 1995, Governor Pete Wilson signed AB 204 (Stats. 1995, Chapter 155). AB 204 becomes effective on January 1, 1996. This bill amends section 25359.4 in two ways:

- 1) If a release occurred prior to January 1, 1994, it does not have to be reported to DTSC within 30 days of discovery (new section 25359.4(b)(5)).
- 2) For purposes of section 25359.4(c)(1), "reportable quantity" means the quantity of a hazardous substance established in Part 302 (commencing with section 302.1) of Title 40 of the Code of Federal Regulations. This provides clarification when determining whether a "reportable quantity" has been released.

**Action:**

In keeping with the provisions of AB 204, DTSC Site Mitigation Program staff will continue to use the Addendum and the Fact Sheet for "Reporting Nonemergency Hazardous Substances Releases Pursuant to Health and Safety Code section 25359.4." Staff will also attach a copy of this memo to the Addendum/Fact Sheet when providing copies to the public. Please distribute copies of this memo to all Regional Site Mitigation Program staff.

cc: Paul Blais  
Stan Phillippe  
Bill Ryan  
Lach McClenahan  
Don Plain  
Allen Wolfenden  
Sherry Lehman

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

400 P Street, 4th Floor

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Sacramento, CA 95812-0806

**ADDENDUM TO THE SB 2057/AB 2061 FACT SHEET****FOR****REPORTING NONEMERGENCY HAZARDOUS SUBSTANCES RELEASES  
PURSUANT TO HEALTH AND SAFETY CODE SECTION 25359.4**

The attached Fact Sheet and Reporting Form were issued by the Department of Toxic Substances Control (Department) on May 25, 1994. The Fact Sheet describes the reporting requirement created by Senate Bill (SB) 2057, which was later amended by Assembly Bill (AB) 2061. (The full text of the current law is on pages 1 and 2 of the Fact Sheet.)

Because a number of difficult questions have been raised since the issuance of the Fact Sheet, the Department has determined that the Legislature should be consulted to determine whether Health and Safety Code section 25359.4(d) was intended to apply to releases that occurred prior to the effective date of the statute, January 1, 1994. The Department's interpretation that releases include past releases that initially occurred prior to January 1, 1994, will not be enforced by the Department until the Legislature provides additional clarification.

The Department will also seek clarification from the Legislature on the definition of what a "reportable quantity" means as defined in section 25359.4(c)(1). This section specifically cites only section 302.4 of Title 40 of the Code of Federal Regulations. Since the issuance of the Fact Sheet, the Department has received numerous questions relating to whether or not section 302.5, "Determination of Reportable Quantities," and section 302.6, "Notification Requirements" of Title 40 of the Code of Federal Regulations, should also apply when determining whether a "reportable quantity" has been released. Until the Legislature provides further clarification to the definition of "reportable quantity" as provided by section 25359.4(c)(1), the Department's interpretation is that a "reportable quantity" is defined by sections 302.4, 302.5, and 302.6 of Title 40 of the Code of Federal Regulations.

Comments or suggested changes to the current Fact Sheet should be sent to: Department of Toxic Substances Control, ATTN: Planning and Policy Unit, Site Mitigation Program, P.O. Box 806, Sacramento, California 95812-0806. The Department will consider any comments or suggestions it receives in writing.





**California Environmental Protection  
Agency  
Department of Toxic Substances Control  
Site Mitigation Program**

**FACT SHEET**

**REPORTING NONEMERGENCY HAZARDOUS SUBSTANCES RELEASES  
PURSUANT TO HEALTH AND SAFETY CODE SECTION 25359.4**

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**NEW LEGISLATION:**

Effective January 1, 1993, Senate Bill (SB) 2057 (Calderon) created Health and Safety Code Section 25359.4. (All references are to the Health and Safety Code unless otherwise stated.) SB 2057 established that releasing a hazardous substance is illegal and requires that releases be reported directly to the Department of Toxic Substances Control (Department). Recent legislation, Assembly Bill (AB) 2061 (Umberg), amended this law by requiring that hazardous substance releases of a "reportable quantity" must be reported. Prior to this change, any release of a hazardous substance was required to be reported to the Department. AB 2061 became effective on January 1, 1994. (See pages 6 and 7 for information on the Department's grace period for reporting nonemergency releases.)

The purpose of Section 25359.4 (as amended by AB 2061) is to provide the Department with information concerning properties that may require remediation because there is a current or potential threat to the public health and safety or to the environment. The Department wants to minimize any duplicate reporting of hazardous substance or hazardous waste releases. However, in some rare instances, duplicate reporting to different State agencies may occur.

The purpose of this Fact Sheet is to describe the procedure for reporting releases pursuant to Section 25359.4.

**The text of Section 25359.4, as amended by AB 2061, follows:**

"Section 25359.4. (a) A person shall not release, or allow or cause a release of, a reportable quantity of a hazardous substance into the environment which is not authorized or permitted pursuant to state law.

"(b) Any release of a reportable quantity of hazardous substance shall be reported to the department in writing within 30 days of discovery, unless any of the following apply:

- (1) The release is permitted or in the permit process.
- (2) The release is authorized by state law.
- (3) The release requires immediate reporting to the Office of Emergency Services pursuant to Section 11002 or 11004 of Title 42 of the United States Code, or pursuant to Section 25507.
- (4) The release has previously been reported to the department or the Office of Emergency Services.

"(c) For the purposes of this section, 'reportable quantity' means either of the following:

(1) Any reportable quantity of a hazardous substance established in Section 302.4 of Title 40 of the Code of Federal Regulations.

(2) Any quantity of a hazardous substance that is not reportable pursuant to paragraph (1), but that may pose a significant threat to public health and safety or to the environment. The department may establish guidelines for determining which releases are reportable under this paragraph.

"(d) The owner of property on which a release of a reportable quantity has occurred and any person who releases, or causes a release of, a reportable quantity and who fails to make the written report required by subdivision (b), shall be liable for a penalty not to exceed twenty-five thousand dollars (\$25,000) for each separate violation and for each day that a violation continues. Each day on which the released hazardous substance remains is a separate violation unless the person has either filed the report or is in compliance with an order issued by a local, state, or federal agency with regard to the release.

"(e) Liability under this section may be imposed in a civil action or may be administratively imposed by the department pursuant to Section 25359.3, as added by Chapter 1344 of the Statutes of 1992.

"(f) If the violation of subdivision (b) results in, or significantly contributes to an emergency, including, but not limited to, a fire, to which a county, city, or district is required to respond, the responsible party may be assessed the full cost of the emergency response by the city, county, or district." (Stats. 1993, Ch. 1184.)

## USEFUL DEFINITIONS:

To assist persons making a written report under Section 25359.4, the following definitions are provided:

**Question:** What is a reportable quantity?

**Answer:** Section 25359.4 defines a reportable quantity as:

"(1) Any reportable quantity of a hazardous substance established in Section 302.4 of Title 40 of the Code of Federal Regulations.

(2) Any quantity of a hazardous substance that is not reportable pursuant to paragraph (1), but that may pose a significant threat to public health and safety or to the environment. The Department may establish guidelines for determining which releases are reportable under this paragraph."

**Question:** What is a hazardous substance?

**Answer:** The definition of hazardous substance in Section 25316 is broad and far reaching. It encompasses several federal environmental statutes that contain lists of hazardous substances.

- Section 25316 defines "hazardous substance" as:

"... (a) Any substance designated pursuant to Section 1321(b)(2)(A) of Title 33 of the United States Code. [CLEAN WATER ACT.]

(b) Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the federal act (42 United States Code 9602). [COMPREHENSIVE ENVIRONMENTAL RESPONSE,

## COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA).]

(c) Any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by act of Congress.  
[RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).]

(d) Any toxic pollutant listed under Section 1317(a) of Title 33 of the United States Code. [CLEAN WATER ACT, TOXIC POLLUTANT LIST.]

(e) Any hazardous air pollutant listed under Section 7412 of Title 42 of the United States Code [CLEAN AIR ACT.]

(f) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to Section 2606 of Title 15 of the United States Code. [TOXIC SUBSTANCES CONTROL ACT (TSCA).]

(g) Any hazardous waste or extremely hazardous waste as defined by Sections 25117 and 25115, respectively, unless expressly excluded."  
[HAZARDOUS WASTE CONTROL ACT.]

**Question:** What is a release?

**Answer:** According to the definition in Section 25320, a release is "... any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment."

## COMMONLY ASKED QUESTIONS:

**Question:** Who is required to report nonemergency releases?

**Answer:** "The owner of property on which a release of a reportable quantity has occurred and any person who releases, or causes a release of, a reportable quantity..." [HEALTH AND SAFETY CODE SECTION 25359.4(d).]

**Question:** Are consulting firms required to report releases?

**Answer:** Yes, consulting firms are required to report nonemergency releases if they meet the conditions specified in Section 25359.4(d).

**Question:** What releases must be reported?

**Answer:** Both new and past releases of a reportable quantity of hazardous substance must be reported unless: (1) an exemption from Section 25359.4(b) applies to the release, (2) the release has already been remedied with the Department's oversight, or (3) responsible parties are already working with the Department to address the uncontrolled release under an existing agreement, order or notice of violation. (See Examples of Reportable Releases and Examples of Releases/Spills That Are Not Reportable Pursuant To Section 25359.4 below.)

## PROCEDURE FOR REPORTING NONEMERGENCY RELEASES:

The procedures for reporting nonemergency hazardous substance releases are:

- A property owner or a person who releases or causes a hazardous substance

release shall make a written report to the Department within 30 days of discovery of the release.

- A copy of the "written release report form" is attached to the Fact Sheet. Instructions for completing the form are included (see Attachment).
- The addresses and phone numbers of the Department's four Regional Offices are shown below. The completed report must be mailed to the Department's Regional Office (in the region) where the release occurred, addressed as follows:

**ATTN: Site Mitigation  
Program/Nonemergency Hazardous  
Substance Release Report**

**Region 1**  
Department of Toxic Substances Control  
Site Mitigation Program  
10151 Croydon Way, Suite 3  
Sacramento, California 95827-2106  
(916) 255-3618  
(For Northern California and Central  
Valley Counties)

**Region 2**  
Department of Toxic Substances Control  
Site Mitigation Program  
700 Heinz Avenue, Building F, Second Fl.  
Berkeley, California 94710  
(510) 540-3739  
(For North Coast and Bay Area  
Counties)

**Region 3**  
Department of Toxic Substances Control  
Site Mitigation Program  
1011 Grandview Avenue  
Glendale, California 91201  
(818) 551-2830  
(Santa Barbara and Ventura Counties  
and Los Angeles County North of  
Highway 91)

**Region 4**  
Department of Toxic Substances Control  
Site Mitigation Program  
245 W. Broadway, Suite 425  
Long Beach, California 90802  
(310) 590-4968  
(For Riverside, San Bernardino, Orange,  
San Diego, and Imperial Counties and  
Los Angeles County South of  
Highway 91)

#### **EXAMPLES OF REPORTABLE RELEASES:**

The criteria for determining whether a person must report a release under this section are:

- 1) There has been a release of a "reportable quantity" of a hazardous substance, or
- 2) Any quantity of a hazardous substance release has occurred that is not reportable pursuant to Section 25359.4(c)(1), but because of the release's concentration, quantity or its characteristics, it may pose a significant threat to public health and safety or to the environment.

The following examples present some typical situations and illustrate the Department's guidelines which require reporting under Section 25359.4:

- A) A property owner begins developing commercial property and a bulldozer uncovers soil contaminated with "lamp black." The contaminated soil does not require immediate action (there is no threat of fire or explosion or an immediate threat to public health and/or environment). The property owner analyzes the contaminated soil for hazardous substances. Lab analysis results determine that benzo[a]pyrene, a constituent of "lamp black," is present at 10 parts per million.

Based on an estimated volume of contaminated soil the total of amount of benzo[a]pyrene exceeds the reportable quantity of one pound.

- A written report is required within 30 days of discovery, because a reportable quantity of a hazardous substance has been released.

B) A trucker is transporting flammable liquid and spills the contents of the truck onto the highway and adjoining private property. The trucker immediately contacts OES and his/her local emergency response agencies. The emergency cleanup is completed by removing the majority of the flammable liquid, so that there is no threat of fire and explosion.

Residual contamination exists in the soil and there is a shallow water table.

- The emergency release cleanup does not require a written report because the release was reported to OES. However, the residual soil contamination may pose a significant threat to groundwater, and therefore, a written nonemergency release report is required within 30 days of discovery.

C) A manufacturer of computer chips has discovered that groundwater is contaminated with trichloroethylene which may have been released from the company's facility. A consultant has provided advice that the release does not pose an emergency to either the public health or the environment, so no report to OES is required.

- A written report is required within 30 days of discovery, because groundwater has been impacted.

D) A dry cleaner sells his business and the new owner discovers a problem with approximately 10,000 pounds of cleaning fluid containing perchloroethylene that either was spilled and/or dumped at the back of the lot. The new owner hires a consultant and some contaminated soil is excavated and disposed of at a landfill. This work occurred without Departmental or local agency oversight. After a few years, the business fails and the dry cleaning operation reverts to the former owner's children. They are aware of the past release. The reportable quantity for perchloroethylene is 100 pounds.

- A written report is required within 30 days of discovery, because there was a release of a reportable quantity of perchloroethylene and there was no agency oversight of the original removal.

E) A two-acre commercial parcel was used as a truck wash for large tanker trucks that hauled pesticides and other chemicals. Contaminated wash water was disposed onto unpaved surface areas. After 10 years of operation, the city revoked the company's land use permit, and the property was abandoned by the owners. No cleanup activity occurred.

- A written report is required within 30 days of discovery.

**EXAMPLES OF RELEASES/SPILLS THAT  
ARE NOT REPORTABLE PURSUANT TO  
SECTION 25359.4:**

- The release is permitted or in the permit process.
- The release is authorized by state law.



- The release requires immediate reporting to the Office of Emergency Services pursuant to Section 11002 or 11004 of Title 42 of the United States Code, or pursuant to Section 25507.
- The release has previously been reported to the department or the Office of Emergency Services.
- Releases of substances that are not designated as hazardous substances in Section 25316.
- Natural gas releases or releases of natural gas liquids, liquified natural gas or mixtures of natural gas and synthetic gas as designated in Section 25317.
- Nontoxic, nonflammable, noncorrosive stormwater run-off drained from underground vaults, chambers, or manholes into gutters or stormsewers as designated in Section 25317(b).
- Past releases already remedied, with the Department's oversight and written approval.
- Releases "authorized" or "permitted" under interim status documents, hazardous waste treatment, storage or disposal permits, including corrective action, and those that are allowed by, or are being remediated under, orders or agreements issued by the Department.
- Any release which results in exposure to persons solely within a workplace, with respect to a claim such exposed persons may assert against their employer as designated in Section 25321.
- Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine.
- Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 2210 of Title 42 of the United States Code or, for the purposes of Section 104 of the federal act (42 U.S.C. 9604) or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under Section 7912(a)(1) or 7942(a) of Title 42 of the United States Code, which sections are a part of the Uranium Mill Tailings Radiation Control Act of 1978.
- The normal application of fertilizer, plant growth regulants, and pesticides.

#### GRACE PERIOD FOR REPORTING RELEASES:

- Section 25359.4(b) requires reporting of a release of a reportable quantity of hazardous substance within 30 days of discovery unless stated circumstances exist. Because this Fact Sheet, which clarifies the Department's interpretation of Section 25359.4 is being issued more than 30 days after January 1, 1994<sup>1</sup>, the Department is establishing a grace period during which the 30-day reporting requirement will not be enforced.
- Hazardous substance releases that initially occurred **PRIOR** to January 1, 1994, but which continue to leak emit, leach or escape into the environment and which have been discovered but not yet reported, must be reported within 45 days of the issuance date of this Fact Sheet.

<sup>1</sup> A Fact Sheet for the earlier version of Section 25359.4 was never issued. Moreover, what releases must be reported under the section, and by whom, has been significantly amended by AB 2061. Therefore, the Department has decided as a matter of policy not to pursue penalties for any failures to report which may have occurred between January 1, 1993 and January 1, 1994.

- Hazardous substance releases that initially occurred **AFTER** January 1, 1994, and which have been discovered but not yet reported, must be reported within 45 days of issuance date of this Fact Sheet.

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## QUESTIONS OR COMMENTS ABOUT THIS FACT SHEET?

The Department has attempted to minimize the number of reports individuals or companies must submit to different State agencies concerning a release. However, the Department does need to be informed of those properties where a current or threatened release may pose a significant threat to the public health and safety or environment. This Fact Sheet is an attempt to clarify what should be reported and what does not need to be reported to the Department.

The Department believes that in some cases, it may be difficult to ascertain the quantity of a hazardous substance that has been released at an uncontrolled hazardous substance release site. This difficulty may cause uncertainty about whether reporting of "reportable quantities," pursuant to Section 25359.4(c)(1) is required. The Department will be considering whether to adopt guidelines as provided in Section 25359.4(c)(2) in order to clarify this uncertainty, and will take into consideration any comments or suggestions it receives in writing.

The address for sending any comments/suggestions is shown below:

Department of Toxic Substances Control  
ATTN: Planning and Policy Unit  
Site Mitigation Program  
P. O. Box 806  
Sacramento, California 95812-0806

## Attachment:

Nonemergency Hazardous Substance  
Release Reporting Form

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
NONEMERGENCY HAZARDOUS SUBSTANCE RELEASE REPORT  
(Health and Safety Code Section 25359.4)

State Use Only:

I. RELEASE

Regional Log #

A. Release discovered on (date): \_\_\_\_\_

Are any hazardous substances, as defined by Health and Safety Code Section 25316, currently spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment: Yes \_\_\_\_\_ No \_\_\_\_\_

B. Have any hazardous substances, as defined by Health and Safety Code Section 25316, spilled, leaked, pumped, poured, emitted, emptied, discharged, injected, escaped, leached, dumped, or disposed into the environment: Yes \_\_\_\_\_ No \_\_\_\_\_

C. If you respond yes to A. or B., is/are the release(s) of a Reportable Quantity as established by Section 302.4 of Code of Federal Regulations: Yes \_\_\_\_\_ No \_\_\_\_\_

Is/are the release(s) of a Reportable Quantity as defined by Health and Safety Code Section 25359.4 (c)(2): Yes \_\_\_\_\_ No \_\_\_\_\_

Indicate date of each occurrence if known (indicate Reportable Quantity amount if applicable):

\_\_\_\_\_  
\_\_\_\_\_

(Prepare separate report for each release)

D. Person Reporting: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Association with site (e.g., owner, operator, business representative, other): \_\_\_\_\_

\_\_\_\_\_

E. Site Name: \_\_\_\_\_

Site Address: \_\_\_\_\_

\_\_\_\_\_

Site Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Mailing Address (if different than above): \_\_\_\_\_

\_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_

Site Contact Person: \_\_\_\_\_ Phone (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
NONEMERGENCY HAZARDOUS SUBSTANCE RELEASE REPORT  
(Health and Safety Code Section 25359.4)

II. RELEASE SITE

A. Release Site: Pipeline ☐ Shipyard ☐ Road ☐ Oilfield ☐ Refinery ☐ Railroad ☐  
Service Station ☐ Residential ☐ Vacant Lot ☐ Industrial Plant (type) ☐  
Above-ground Tank ☐ Underground Storage Tank ☐ Other (describe) ☐

B. What media do the contaminants affect: Air ☐ Groundwater ☐ Surface Water ☐ Soil ☐

Proximity to surface water, groundwater, wetlands or storm drains if known:

Surrounding area: Industrial ☐ Commercial ☐ Residential ☐ Rural ☐

Did the release occur near a school, residential area or other sensitive environment: Yes ☐ No ☐

Describe: ☐

C. Describe (briefly) the major types of contaminants released or found at the site: ☐

(Add additional pages as necessary)

Quantity/Volume Released: ☐

Extent of Contamination (approximate physical diameter of the contamination, e.g., 3 meters wide by 9 meters long): ☐

Describe (briefly) the location(s) of the contaminants: ☐

(Add additional pages and map as necessary)

D. Describe (briefly) how the contamination came to exist at the site (for example, were there past spills, landfill operations, industrial wastewater operations, industrial wastewater systems, underground storage tanks, deposition of fill material, etc): ☐

(Add additional pages and map as necessary)

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
NONEMERGENCY HAZARDOUS SUBSTANCE RELEASE REPORT  
(Health and Safety Code Section 25359.4)

III. SITE REMEDIATION

A. Has an environmental assessment been conducted: Yes \_\_\_\_ No \_\_\_\_

Briefly describe results: \_\_\_\_\_  
\_\_\_\_\_

(Add additional pages as necessary)

Assessment conducted by: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

B. Was the release contained or remediated: Yes \_\_\_\_ No \_\_\_\_

Briefly describe any cleanup actions (i.e., capping, removal actions, groundwater pump and treat systems, etc):  
\_\_\_\_\_  
\_\_\_\_\_

(Add additional pages as necessary)

C. If applicable, which phase(s) of the remediation process have been completed or are currently being performed.

- |   |  |
|---|--|
| <input type="checkbox"/> Preliminary Assessment/<br>Site Investigation (PA/SI) or<br>Preliminary Endangerment<br>Assessment (PEA) | <input type="checkbox"/> Remedial Action Plan          |
| <input type="checkbox"/> Removal or Remedial Action   | <input type="checkbox"/> Remedial Design               |
| <input type="checkbox"/> Remedial Investigation Workplan  | <input type="checkbox"/> Operation and<br>Maintenance  |
| <input type="checkbox"/> Feasibility Report   | <input type="checkbox"/> Other _____<br>_____<br>_____ |

D. Have you entered into any administrative/judicial orders and/or agreements: Yes \_\_\_\_ No \_\_\_\_

Date of order/agreement: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Agency Contact: \_\_\_\_\_

Agency Phone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
NONEMERGENCY HAZARDOUS SUBSTANCE RELEASE REPORT  
(Health and Safety Code Section 25359.4)

V. EMERGENCY ACTIONS

A. Was an emergency action taken: Yes \_\_\_\_ No \_\_\_\_

Did you report the release to any local agencies: Yes \_\_\_\_ No \_\_\_\_

If yes, what local agencies were notified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Did you report the release to any State agencies: Yes \_\_\_\_ No \_\_\_\_

If yes, which one(s): \_\_\_\_\_

C. Were Proposition 65 notification(s) made: Yes \_\_\_\_ No \_\_\_\_

To what agency (include agency phone number): \_\_\_\_\_  
\_\_\_\_\_

Date Proposition 65 notification(s) were made: \_\_\_\_\_

V. SIGNATURE

To the best of my knowledge and belief, the information stated in this report is accurate and complete.

\_\_\_\_\_  
(Signature of Preparer)

\_\_\_\_\_  
(Date Signed)

\_\_\_\_\_  
(Typed or Printed Name)

**INSTRUCTIONS FOR COMPLETING  
NONEMERGENCY HAZARDOUS SUBSTANCE RELEASE REPORT FORM  
(Health and Safety Code Section 25359.4)**

**INSTRUCTIONS:**

- The form should be typewritten or printed legibly in ink. Add additional pages as necessary.
- The Department of Toxic Substances Control (Department) may require additional information as follow-up to this written report.
- If a series of separate releases has occurred at the site at different times, each release should be described on a separate form.
- This reporting requirement does not require persons who are already working with the Department to address an uncontrolled release under an existing agreement, order, or notice of violation to submit a new report.
- The form should be sent to the Department within 30 days of discovery of the release. Failure to report a release may result in a penalty of \$25,000 per day, per violation. Refer to the Fact Sheet, "Reporting Nonemergency Hazardous Substance Releases Pursuant to Health and Safety Code Section 25359.4," for additional information.
- Hazardous substances are defined in Health and Safety Code Section 25316.
- Reportable Quantities (RQ) are established by Section 302.4 of the Code of Federal Regulations.
- Health and Safety Code Section 25359.4(c)(2) defines RQs as: "Any quantity of a hazardous substance that is not reportable pursuant to paragraph (1), but that may pose a significant threat to public health and safety or to the environment. The Department may establish guidelines for determining which releases are reportable under this paragraph."

**PART I:** Enter the date of discovery of the release, and the name and phone number of a contact person who can provide detailed site information concerning the release.

**PART II:** Describe the release site, the surrounding area, type and location of contaminants, the media affected, and how the release occurred (if known).

- PART III:** Provide information regarding any environmental assessment or site remediation activities taken at the release site. If any administrative or judicial orders have been issued, indicate the date of issuance. If you have entered into any agreement(s), enter the date the agreement was signed.
- PART IV:** Describe any emergency actions taken, if applicable. Local agencies include, but are not limited to: Fire Department, Sheriffs Department, Police, County Health Offices, County Emergency Services, Air Quality Boards, and 911. State agencies involved with emergency actions include, but are not limited to: Office of Emergency Services (OES), Department of Fish and Game, California Highway Patrol, CALTRANS, Public Utilities Commission, Oil and Gas Division, Regional Water Quality Control Board, State Lands Commission, etc. If a Proposition 65 notification was made, indicate which agency was notified, and the date the notification was made.
- PART V:** The person who prepared the report will sign and date the form, and the preparer's name will be printed or typed below the signature. The signature acknowledges that the information contained in the report is accurate and complete.

#### **REPORTING REQUIREMENT EXCLUSIONS:**

The exceptions to the reporting requirement in Section 25359.4 include<sup>1/</sup>:

1. The release is permitted or in the permit process.
2. The release is authorized by State law.
3. The release requires immediate reporting to the Office of Emergency Services pursuant to Section 11002 or 11004 of Title 42 of the United States Code, or pursuant to Section 25507.
4. The release has previously been reported to the department or the Office of Emergency Services.
5. Releases of substances that are not designated as hazardous substances in Health and Safety Code Section 25316 or 40 Code of Federal Regulations, Part 302.4.

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<sup>1/</sup> Recent case law indicates that the petroleum exclusion in Health and Safety Code Section 25317 includes refined petroleum. Releases of reportable quantities of uncontaminated refined petroleum would not be reportable under these case holdings. Department policy has not been revised to reflect this case law on the issuance date of this Nonemergency Hazardous Substance Release Report Form.



6. Natural gas releases or releases of natural gas liquids, liquified natural gas or mixtures of natural gas and synthetic gas as designated in Section 25317.
7. Nontoxic, nonflammable, noncorrosive stormwater run-off drained from underground vaults, chambers, or manholes into gutters or stormsewers as designated in Section 25317(b).
8. Past releases already remedied, with the Department's oversight and written approval.
9. Releases "authorized" or "permitted" under interim status documents, hazardous waste treatment, storage or disposal permits, including corrective action, and those that are allowed by, or are being remedied under, orders or agreements issued by the Department.
10. Any release which results in exposure to persons solely within a workplace, with respect to a claim such exposed persons may assert against their employer as designated in Section 25321.
11. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine.
12. Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 2210 of Title 42 of the United States Code or, for the purposes of Section 104 of the federal act (42 U.S.C. 9604) or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under Section 7912(a)(1) or 7942(a) of Title 42 of the United States Code, which sections are a part of the Uranium Mill Tailings Radiation Control Act of 1978.
13. The normal application of fertilizer, plant growth regulants, and pesticides and the other exclusions designated in Section 25321.

**MAIL THE COMPLETED REPORT TO:**

- The addresses and phone number of the Department of Toxic Substances Control (Department's) four Regional Offices are shown below. The completed report must be mailed to the Department's Regional Office (in the Region) where the release occurred, addressed as follows:

**ATTN: Site Mitigation Program  
Nonemergency Hazardous Substance  
Release Report**

**Region 1  
Department of Toxic Substances Control  
Site Mitigation Program  
10151 Croydon Way, Suite 3  
Sacramento, California 95827-2106  
(916) 255-3618**

**Region 2  
Department of Toxic Substances Control  
Site Mitigation Program  
700 Heinz Avenue, Bldg. F, Second Floor  
Berkeley, California 94710  
(510) 540-3739**

**Region 3  
Department of Toxic Substances Control  
Site Mitigation Program  
1011 Grandview Avenue  
Glendale, California 91201  
(818) 551-2830**

**Region 4  
Department of Toxic Substances Control  
Site Mitigation Program  
245 W. Broadway, Suite 425  
Long Beach, California 90802  
(310) 590-4968**